

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
DECEMBER 23, 2009
Commissioner's Courtroom
Hamilton County Government and Judicial Center
One Hamilton County Square
Noblesville, Indiana

President Holt called the meeting to order at 10:00 a.m. declaring a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. Holt led the Pledge of Allegiance.

HIGHWAY BUSINESS

Interlocal Agreement Concerning Maintenance of Certain Streets within Geist Reservoir

Mr. Gary Huff, Fishers Town Manager, requested approval of the Interlocal Agreement Concerning the Maintenance of Certain Streets within the Vicinity of Geist Reservoir (areas annexed by the Town of Fishers effective January 2, 2010). The agreement is for one year (2010) and they agree Hamilton County should and will receive all monies for that service in 2010. Fishers Town Council will meet December 30, 2009 to approve this agreement. Mr. Mike Howard stated this agreement clarifies the division of the funds, it also provides that the County will continue to maintain the streets in this area with the understanding of everyone that maintenance means snow removal, repair of potholes, etc., no major construction projects. Altman requested an amendment in the language: in the third Whereas clause on page 1 include in the sentence stating the Town of Fishers to provide street and road maintenance upon annexation. Altman moved to approve as amended. Motion carried unanimously.

ARRA Award Recommendation

Holt requested ratification of his signature on the Indiana Department of Transportation (INDOT) ARRA (American Recovery and Reinvestment Act) Award Recommendation Letter regarding Contract No. SRS-372750-A, 146th Street from Ditch Road to Springmill Road. The amendment is the second lowest qualified bidder. Altman moved to approve the acceptance of the ARRA substitution. Dillinger seconded. Motion carried unanimously. Altman moved to approve E&B Paving. Dillinger seconded. Motion carried unanimously.

COMMUNITY DEVELOPMENT BLOCK GRANTS

Town of Fishers Infrastructure Improvements Change Order

Altman moved to approve the Change Order for the Town of Fishers Infrastructure Improvements project. Dillinger seconded. Motion carried unanimously.

Public Service Contracts for 2010

McConaghy reported he has taken the HOPE Clinic money, which will not be used, and increased the funding for the Riverview Clinic, Saint Vincent DePaul, and Trinity Clinic each by \$5,000 for a total of \$20,000 funding in 2010. McConaghy stated he can not make any changes without going through a Consolidated Plan Amendment Process; the contracts can be signed as they are today and after a public comment period of approximately six (6) weeks and publication in the newspaper then an addendum can be done in the contract. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

- Alternatives, Inc. of Madison County - \$20,000
- Neighborhood Christian Legal Clinic - \$20,000
- Riverview Clinic - \$15,709 with amendment to \$20,709
- Saint Vincent DePaul - \$15,000 with amendment to \$20,000
- Trinity Free Clinic - \$15,000 with amendment to \$20,000
- Meals On Wheels - \$2,500
- Prevail – Victim Advocate - \$15,000

COURTS

ARRA Grant Application

Mr. Ollie Schierholz, requested approval of a grant application to the U.S. Department of Justice under the FY 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The grant money is set aside for Hamilton County in the amount of \$22,424 to be used for anything within the judicial system. This money will be used to purchase two (2) new portable evidence presentation systems. Schierholz stated the grant is submitted electronically so no signature is needed. Schierholz requested authorization to be a designated signatory for this grant. Altman moved to approve as presented. Dillinger seconded. Motion carried unanimously. Holt asked Altman if her motion included Ollie to be the signatory? Altman stated yes, as presented. Schierholz invited the Commissioners to attend a demonstration of this equipment on January 19, 2010 in Court Administration.

ISSD

Mass Notification Software Quote

Mr. Chris Mertens requested approval of a quote from IPcelerate, the mass notification software to the phone systems and desktops for county employees. Altman asked if this is an internal alert? Mertens stated yes. Altman moved to approve. Dillinger seconded. Holt asked if Mertens is happy with the technology and how it is going to work if it is needed? Mertens stated yes, they have attended a demonstration and it is very simple to send a notification to an individual or the entire county. Holt asked who will be sending the notification? Mertens stated Sheriff's Control. Holt asked if any place else has been recommended to handle the input? Deputy Farley stated no, but multiple locations can input a notification. Holt asked if the catastrophe is in the control room where would Farley recommend a second

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location be? Mertens stated this is web based so whoever is designated to log into the software could send the notification. Mertens stated the log-in would be limited. Holt asked Farley and Mertens to talk to the vendor regarding best practices and who sends the notifications, other than the control room, and bring back a recommendation to the Commissioners. Holt asked Stevens to schedule a Security Committee meeting in three (3) weeks to discuss this. Motion carried unanimously.

ADMINISTRATIVE ASSISTANT

Weights & Measures

Mr. Dan Stevens distributed an e-mail from Carey Woodward, Weights & Measures Director, regarding his communications with Channel 6.

Electronic Monitoring Lease Agreement

Stevens requested approval of the lease agreement for the Community Corrections Lease for electronic monitoring equipment with Key Government Finance, Inc. The lease has been approved by the Community Corrections Board. Dillinger moved to approve. Altman seconded. Altman asked if there is a clause that if the County Council would not appropriate the funds we can get out of the agreement? Holt stated this is a self-funded agreement, no tax dollars are used. Motion carried unanimously.

2010 Fearrin Insurance Consulting Agreement

Stevens requested approval of the 2010 Consulting Agreement with Fearrin Insurance. Altman stated the fee has increased, has Dillinger reviewed the agreement? Altman moved to table and requested a recommendation from the Insurance Committee on whether this is a good investment, considering our budget restraints. Dillinger will discuss this with Doug Walker and he will address it the first meeting in January. Motion to table carried unanimously.

CIB Commissioner Appointment

Holt stated he has been contacted by Michael Browning asking to be considered as the Commissioner's appointment to the CIB (Capital Improvement Board); his rationale is his perspective on negotiations with the Pacer's which in his view is the huge issue facing the CIB. Altman stated she thinks we need somebody in the industry as they are discussing why we will be requested to pick up more share of the burden, which the true issue is coming before the CIB. Altman suggested strongly looking at the President's of either the Hamilton County or Hendricks County Visitor's Bureau, who understand the issues. Dillinger asked how they have any more knowledge on this than anyone else; it is not just a tourism issue. Altman stated that has been the prevailing argument, that what Indianapolis does drives tourism in the surrounding counties and the impaired data they are generating disproves that in terms of overall generation for what we have started to contribute. Our representative needs to be in that seat and discuss that topic with knowledge and to her it is the bigger issue facing that Board and to us as a county and all the surrounding counties. Dillinger stated to him the more important thing would be whoever we sent down there be well versed and a strong enough person to be able to represent Hamilton County's interest as well as the surrounding counties interest with some authority and some respect of the other people on the Board, we are not going to have much of a say. Altman stated that position will be reporting back to us and will need to be knowledgeable in the area. Dillinger stated he does not disagree with Altman but this person needs to be strong enough to get some respect and clout. Holt stated our representative needs to be briefed on this concern, it will affect all of our lives in Hamilton County, Browning would be a better spokesman for anything we wanted than the President of the tourism board. Altman stated she is willing to do it and will do the bidding of the three Commissioners; we will have votes of six other people only Morgan County did not join; it is not what we want it will be a majority of those appointees. Stevens reported Indiana Statute recommends the committee meet between January 1-15, 2010. Holt suggested the President serve as Hamilton County's representative. Altman moved to appoint Dillinger as Hamilton County's representative. Holt seconded. Motion carried unanimously. Altman moved to hold the meeting on January 15, 2010 at 4:00 p.m. at the Monon Center, subject to appropriate accommodations being secured. Altman recommended holding this meeting in downtown Indianapolis because that is the same date as the BAGI Dinner; in terms of location that may be more convenient. Altman recommended using the Association of Counties Offices, the United Way Office, the CIB Office (if there is one) or possibly the Columbia Club. Altman moved to authorize Dillinger to secure a location. Holt seconded. Motion carried unanimously.

Release of Retainage Escrow Agreements

Stevens requested the release of Retainage Escrow Agreements for the following vendors on the Jail project:

Meyer Najem - \$240,000
McGuff Roofing, Inc. – \$9,372.35
MacDougall Pierce Construction, Inc. - \$5,000
High Concrete Group, LLC – \$27,253
MacDougall Pierce Construction, Inc. - \$10,000

Altman moved to approve. Dillinger seconded. Motion carried unanimously.

Olio Road Bridge Picture

Stevens presented a picture of the Olio Road Bridge from United Consulting to the Commissioners.

Holt called a recess in the meeting to hold the Hamilton County Solid Waste Board meeting. (10:37:56)

Holt called the Commissioner's meeting back to order. (10:38:19)

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ATTORNEY

Liability Trust Claims

Altman moved to approve Liability Trust Claims. Dillinger seconded. Motion carried unanimously.

- Drewry Simmons Vornehm, LLP - \$6,830.15
- Michael Howard - \$14,072.50

SHERIFF

Fisher's Annexation

Altman asked Major Bowen if Dispatch is clear regarding calls from the annexed area of Geist? Major Bowen stated yes, public safety will be included. (10:42:13) Holt informed Bowen that public safety is not in the interlocal agreement with Fishers. Altman stated the agreement is only for maintenance of roads. Dillinger stated we should be pulling out of that area January 2, 2010. The county is taking care of road maintenance for one year because we still receive the funding for roads for one year but the police coverage is on the Town of Fishers. Bowen stated he understands their direction and will take it up with Sheriff Carter, who has been in contact with Fishers Chief Kehl and he is not exactly sure how it was left. Howard stated it was not put in the financial plan, which is a personal problem with Fishers, it is not a duty on the county to spend more money taking care of an annexed area. Dillinger stated given our manpower situation we don't want to be paying for manpower and overtime. Bowen stated he will make sure Sheriff Carter is clear on the Commissioner's direction. Holt stated if Bowen takes this up with Sheriff Carter we won't know the answer, it is like when we changed the time to unlock the doors, there was no communication back and it did not happen. If we leave it that Bowen is going to talk to the Sheriff it is unclear to county government what the Sheriff's answer is. Altman stated it is not a Sheriff's answer, it is a dispatch answer and dispatch, although run by the Sheriff, technically is run by the 911 Committee. It is a 911 issue. Dillinger asked why is it a 911 issue? Altman stated people call in and it is dispatched out, it is concurrent. Howard stated it is under the Sheriff's authority but the Sheriff needs to understand that the Council would probably not be very happy in this fiscal climate with the Sheriff volunteering people to patrol an area where they have enough cops to patrol it. Stevens stated Chief Kehl, along with Commissioner Altman, does not believe it is not his responsibility. The Sheriff has spoken with Chief Kehl and he believes they have an understanding. If the direction is different then the Commissioners need to speak with the Sheriff. Howard stated the most the Commissioners could do is make a motion that they are not supportive of this. Altman stated the Sheriff has jurisdiction county wide, so the Sheriff can reply, to me that is why it is a dispatch issue as to who directs the dispatch because that is what will control the runs. Holt stated it is really a fiscal issue; it is all about the money. Holt stated it seems like Fisher's legal advice needs to be taken to task because he can see why Chief Kehl would feel the way he does if his Counsel is telling him he has no responsibility, why he would want to take it on if his town council did not budget for it. Holt recommended Howard and Doug Church meet. Altman stated we need to be on written notice to Fishers. Howard will forward a letter to the President of the Fishers Town Council, Gary Huff and their attorney what our opinion is. Dillinger asked that Sheriff Carter receive a copy of the correspondence and what our directions were. Altman stated it boils down to where does that call get routed when it comes in. Dillinger stated that is the functional part of it. Altman stated it is a policy part of it, who gets the primary call out of 911. That is what concerns her most out of any of this discussion. Stevens stated that is not something you change overnight, that information will have to be changed in the computer. Dillinger stated he knows that is true but he is more concerned that we are delegating two (2) officers or more to patrol as we normally do in three (3) shifts totaling 6-8 officers and that we are not designating those officers patrol in that area; and that is what the Council will be concerned with. Howard stated just because dispatch can not flip the switch January 1st does not mean we wait until January 1, 2011. Holt stated you can make an argument that neither Chief Kehl or Sheriff Carter should be in the argument; it is between Fishers government and Hamilton County government on what is the law. If we get a meeting of the minds on what the law is then Sheriff Carter is on his own risk when he goes to the County Council with his first overtime request, if it is gratuitous. If there is no meeting of the minds between Fishers and Hamilton County it is a disservice to both the Sheriff and the Fishers police. Stevens stated the Sheriff has county wide responsibility and he is going to send people down if there is a call. The two law enforcement agency heads are in the middle of this and that needs to be ironed out for them. Dillinger stated we are not talking about sending someone on a call; we promote that throughout the county. He is talking about if this is one of our patrol areas, we don't send people to patrol within city limits on a routine basis. If it is not our responsibility to assign officers on their regular shifts plus their back-ups you are talking maybe 4-8 people that could go someplace else. Altman stated she is not disagreeing, there is a lot we have to ferret out and we need to get the notice out as quickly as possible. Dillinger stated the first thing is to come to a legal agreement that is the law. Howard stated that is right in the statute "the area inside a corporate boundary of a municipality comprise its territorial jurisdiction except to the extent statute expressly authorizes the municipality exercise the power outside of its unit". Holt asked Bowen if the patrol districts are not necessarily un-annexed areas? Bowen stated their primary patrol districts for the Sheriff's office are the un-annexed areas of the county so we handle those districts with the cities and towns primarily handling what goes on in the cities and towns. If something happens to a deputy (Sheriff or Officer in a municipality) they would respond as back-up or supplemental manpower. We do work well together but the primary calls for service are routed to a specific agency, either cities, towns or Sheriff deputies. Bowen stated the Sheriff has worked out the details with Chief Kehl in providing services to the folks in that community. He can't say if that specifically includes sheriff deputies being directly routed for service in those areas or not. Holt stated based on what the Fishers representatives said this morning he bets it does. Dillinger stated the bad thing about us losing this area to Fishers is less compensation but the good thing it we don't have to supply services to that area. Altman stated we need

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to look at West Clay also because that will be annexed in the middle of the summer; there is not an issue with Carmel but there will be the same issue with dispatch. Stevens stated there is a significant difference; you are going to two different locations with the phone call depending on if the address in the city or in the county. Altman recommended starting to work on dispatch issues with the Carmel annexation now. Dillinger stated this would be a good topic for our first meeting in January to make sure that it does not fall through the cracks as this did. Dillinger stated they want Sheriff Carter on the record at the first meeting of January so we understand where he is on this issue and he understands what our legal representation is. Dillinger directed Mike Howard to put this item on his agenda.

AUDITOR

Clerk's Monthly Report

Coverdale requested approval of the Clerk's Monthly Report dated November 30, 2009. Dillinger so moved. Altman seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit – Drainage Board

Dillinger moved to approve the release of Bonds and Letters of Credit for the drainage board. Altman seconded. Motion carried unanimously.

- HCDB-2009-0007 – Safeco Insurance Company of America Performance Bond #6574849 for Blue Woods Creek Relocation – Moffitt Williamson Drain Reconstruction/Relocation in the amount of \$655,000.00.

Payroll Claims

Altman moved to approve the Payroll Claims for the period of November 30, 2009 to December 13, 2009 paid December 24, 2009. Dillinger seconded. Motion carried unanimously.

Vendor Claims

Dillinger moved to approve the Vendor Claims to be paid December 29, 2009. Altman seconded. Motion carried unanimously.

Criminal Justice Taskforce Meeting

Coverdale reported today's meeting of the Criminal Justice Taskforce at the 4-H Grounds is done; therefore the Commissioners do not need to attend the meeting as advertised.

Commissioners Correspondence

IDEM Notice of Sewer Permit Application
Anderson Hall, Section 7 – Fishers
Little Chicago Road Sanitary Sewer – Noblesville
IDEM Notice of Sanitary Sewer Construction Permit Application
Lakeland Subdivision – Carmel
Certificate of Insurance
The Snider Group, Inc.

Present

Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Steven A. Holt, Commissioner
Dawn Coverdale, Auditor
Dan Stevens, Administrative Assistant to Commissioners
Kim Rauch, Administrative Assistant to Auditor
Michael Howard, Attorney
Darren Murphy, Attorney
Mark Bowen, Sheriff's Department
Brad Davis, Highway Director
Dustin Teachnor, Highway Department
Chris Mertens, ISS Director
Ollie Schierholz, Court Administrator
Mark McConaghy, Noblesville Housing Authority
Gary Huff, Town of Fishers
Art Levine, Town of Fishers

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Dawn Coverdale, Auditor